



**US Army Corps
of Engineers®**
New England District

696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Date: March 7, 2000

Comment Period Ends: April 6, 2000

File Number: 199903144

In Reply Refer To: Michael J. Elliott

Shelter Cove Marina; 523 Charlestown Beach Road; Charlestown, Rhode Island 02813;
has requested a Corps of Engineers permit under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act to authorize expanding and improving the existing marina in Ninigret Pond. Work involves constructing 5 new docks, rebuilding/relocating 23 existing docks, constructing a 41-foot sheetpile retaining wall with backfill behind it and expanding the marina perimeter limit. The work is shown on the attached plans and is described below:

- There are currently 30 docks with 53 boat slips. The 7 docks (with 13 slips) on the north side of the cove will not change. The other 23 docks (with 40 slips) will be replaced with 28 new docks (with 53 slips). There will now be a total of 35 docks with 66 slips.
- The marina perimeter limit will be expanded to encompass the new docks.
- A 41-foot sheetpile retaining wall will be installed and gravel backfill placed behind it.

The National Marine Fisheries Service (NMFS) has determined this project will impact approximately 0.07 acres of Essential Fish Habitat (EFH) for larvae of sand tiger shark; eggs, larvae, juveniles and adults of king mackerel, Spanish mackerel and cobia; juveniles and adults of bluefish and long finned squid; and adults of Atlantic cod, Atlantic sea herring and blue shark. Loss of this habitat may adversely affect these species by the shading effects of the 3160 square feet of new or relocated piers. Shading could result in a decrease of primary productivity and, consequently, a reduction in availability of food source. However, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with NMFS regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

The project site is at UTM coordinates N4582400 and E280300 on the USGS Quonochontaug, Rhode Island quadrangle sheet. To properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Michael Elliott at (978) 318-8131 or use our toll free number (800) 343-4789 or (800) 362-4367 if calling from within Massachusetts. You may also e-mail Mr. Elliott at michael.j.elliott@usace.army.mil.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments, when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

SEE NEXT PAGE FOR
DETAILS OF EVALUATION
FACTORS

Robert J. DeSista
Chief, Permits & Enforcement Section
Regulatory Branch

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity in the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties listed in, or eligible for listing in, the National Register of Historic Places, and no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice.

The following authorizations have been applied for, or have been, or will be obtained:

- ☒ (X) Permit, License or Assent from State.
- ☐ () Permit from Local Wetland Agency or Conservation Commission.
- ☒ (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

If you would prefer not to continue receiving public notices, please check here () and return this portion of the public notice to: U.S. Army Corps of Engineers – New England District, ATTN: Regulatory Branch, 696 Virginia Road, Concord, MA 01742-2751.

NAME:

ADDRESS: